PETITION FOR ZONING VARIANCE E/S Pent Angel Way, 256' S of the c/l of Penn Avenue * DEPUTY ZONING COMMISSIONER (9315 Pent Angel Way) 11th Election District * OF BALTIMORE COUNTY 5th Councilmanic District * Case No. 90-68-A Kevin M. Bowen, et ux

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * * *

Petitioners

The Petitioners herein request a variance to permit an open projection (deck) with a rear yard tract boundary setback of 23.7 feet in lieu of the required 26.25 feet and to amend the Second Amended Final Development Plan of "Jasper Property", Lot 28, to allow construction of this projection outside of the building envelope, in accordance . . h Petitioner's Exhibit 1

The Petitioners, by Kevin Bowen, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 9315 Pent Angel Way consists of zoned D.R. 3.5 is improved with a single family dwelling which has been the Petitioners' residence for the past year. Petitioners are desirous of constructing a deck on the rear of the existing dwelling necessitating the requested variance. Testimony indicated that strict compliance with the zoning regulations would result in a deck that is too narrow for its intended purpose. Mr. Bowen testified that he has spoken with his adjoining property owners who have no objections. further indicated that the granting of the variance will not result in any detriment to the health, safety or general welfare of the community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Com-

CERTIFICATE OF PUBLICATION

TOWSON, MD., <u>August 3</u>, 19.89 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on _ luguet 3_____, 1989.

NORTHEAST TIMES

5. Zete Orlin

Dennis F. Rasmussen County Executive

PO15114 Ma M 31072 ca 90-68A

price \$82.35

Baltimore County Zoning Commissioner
Office of Flanning & Zoning Towson, Maryland 21204 (301) 887-3353

THE RESIDENCE OF THE PARTY OF T N NOTICE OF PEARING

The Zoring Coverinationer of Baltimore County, by surfnorted the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property

the County Office Building, lo-celed at 111 W. Chesapselie Av-enue in Towson, Maryland 21204

Petition for Zoning Variance Exe number: 90-68-A ES Pent Angel Way, 256' S of

I Penn Ave.
9315 Pent Angel Way
11th Election District
5th Councilmanic
Petitioner(s):
Kevin ki. Bowen, et ux

Hearing Date: Wednesday.
- A.g. 30, 1989 at 2:00 p.m.

Varience: to permit an open

projection (deck) with a reer yard trac, boundary setback of 23.7 ft. in lieu of the required 26.55 ft. and

to amend the 2nd Amended Final Development Plen of "Seeper Property", Lot #28 to allow con-

of the building envelope.

In the every that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the is-

surence of said permit during this period for good cause shown. Such request must be in writing and received in this office by the

date of the hearing set above presented at the freezing.

N/J/8/010 Aug. 3.

J. Robert Kaines
Zoning Commissioner DATE 8 8 8 8 9 Mr. & Mrs. Kevin M. Bowen

9315 Pent Angel Way Blatimore, Maryland 21236 Re: Petition for Zoning Variance CASE NUMBER: 90-68-A

ES Pent Angel Way, 256' S c/l Penn Ave. 9315 Pent Angel Way 11th Election District - 5th Councilmanic Petitioner(s): Kevin M. Bowen, et ux HEARING SCHEDULED: WEDNESDAY, AUGUST 30, 1989 at 2:00 p.m.

Dewo Mr. & Mrs. Bowen:

Plass be advised that \$107.35 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there

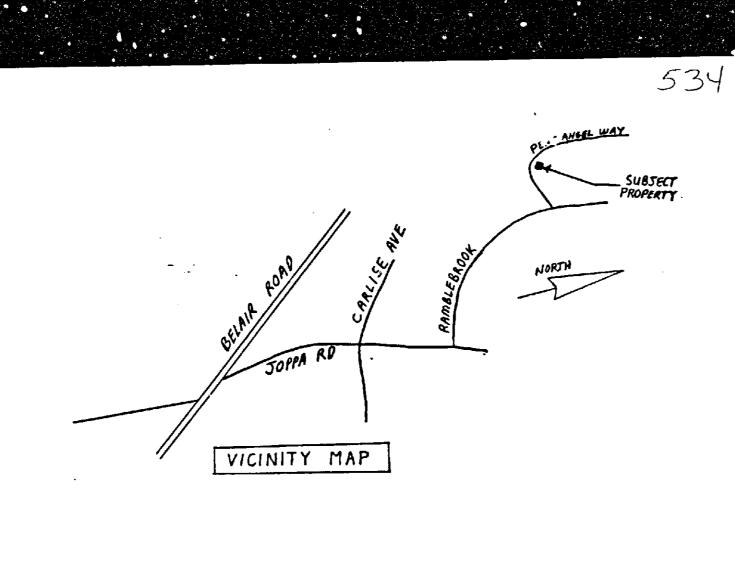
NALTIMORE COUNTY, MARYLAND CFFICE OF FINANCE - REVENUE DIVISION CELLANEOUS CASH RECEIPT B 100*****10735:a 3384F missioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

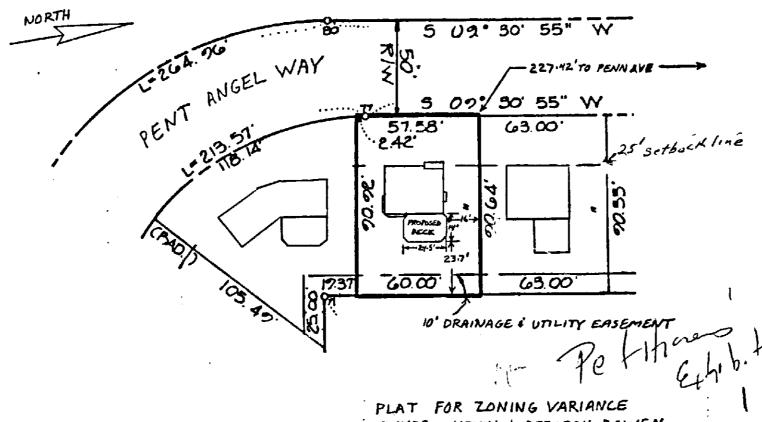
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this day of September, 1989 that the Petition for Zoning Variance to permit an open projection (deck) with a rear yard tract boundary setback of 23.7 feet in lieu of the required 26.25 feet and to amend the Second Amended Final Development Plan of "Jasper Property", Lot 28, to allow construction of this projection outside of the building envelope, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

> The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

> > L- M Nesterans ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County





LOT SIZE 5337 54. FT. .123 ACRES

OWNER - KEYIN & DEBORAH BOWEN DISTRICT II , ZONED D.R. 3.5 SUBDIVISION - SECTION 3 JASPER PROPERTY LOT 28, BOOK 51, FOLIO 108 Custing Usil tion in Don't Annal Woll

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF EALTIMORE COUNTY:

The undersigned, legal owner(z) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1801.2.c.2.a (V.B.5.a. CMDP). 301.1 To permit an open

Final Development Plan of "Jasper Property", Lot #28 to allow constructionof this projection outside of the hldg, envelope of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

1. A deck constructed to comply with the prescribed setback requirement would be too narrow to use for its intended purpose.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County. I/We do solemnly declare and affirm,

11 1/2

under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): Contract Purchaser: Kevin M. Bowen (Type or Print Name) 21-20-Em-Deborah L. Bowen (Type or Print Name) Deborah L. Bowen City and State 9315 Pent Angel Way 529-9086 Attorney for Petitioner:

(Type or Print Name) Baltimore, Maryland 21236 City and State Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Attorney's Telephone No.: -----ORDERED By The Zoning Commissioner of Baltimore County, this _____ day

J. Robert Strines Zoning Commissioner of Baltimore County.

ESTIMATED LENGTH OF HEARING -1/243 +198.

AVAILABLE FOR HEARING

MON./TUES./WED. - NEXT TWO MONTHS

Au6-30

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines Zoning Commissioner

DATE: August 16, 1989 Pat Keller, Deputy Director Office of Planning and Zoning

Kevin and Deborah Bowen, Item 534 SUBJECT: Zoning Petition No. 90-68-A

The petitioners request a variance to permit a deck closer to the tract boundary than permitted and to amend the Final Development

The Office of Planning and Zoning has no comment on the above request.

PK/JL/sf

ZONING DESCRIPTION

Beginning on the east side of Pent Angel Way 50 feet wide, at the distance of 256 feet south of the centerline of Penu Avenue. Being Lot 28, as shown on the Plat of "JASFER PROPERTY" Section Three, and recorded among the land records of BALTIMORE COUNTY in Plat Book 51, Folio 108. Also known as 9315 Pent Angel Way in the 11th Election District.

> CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

District // E/2---Posted for: Largance Petitioner: Novin M. Bowon, ot uy Location of property: FIS Pont Angel Way 256' 5/Ponn Are. 9315 Port Angel Way Location of Signes Facing Pont Hoyel Way, approx. 70' Fr.

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405

Towson, Maryland 21204

(301) 887-3554

ZONING OFFICE

July 31, 1989

Dennis F. Rasmussen

Zoning Commissioner County Office Building Towson, MD 21204

Mr. J. Robert Haines

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 534, 535, 536, 537, 538, 539, and 540.

> Very truly yours, In echael B. Flinger Michael S. Flanigan Traffic Engineer Associate II

MSF/lab

Baltimore County Fire Department 800 York Road Towson, Maryland 21204-2586 (301) 887-4500 Paul H. Reincke

JUNE 19, 1989

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

Dennis F. Rasmussen

KEVIN M. BOWEN

RE: Property Owner: #9315 PENT ANGEL WAY Location:

Item No.:

Zoning Agenda: JUNE 20, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

Planming Group. Special Inspection Division

JK/kek

